

**UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF ILLINOIS**

<b>STRIKE 3 HOLDINGS, LLC,</b>	:	<b>CIVIL ACTION</b>
	:	
<b>Plaintiff,</b>	:	
	:	<b>Civ. No. 21-04032</b>
<b>v.</b>	:	
	:	
<b>JOHN DOE subscriber assigned IP address 73.168.89.202,</b>	:	
	:	<b>JURY DEMAND</b>
	:	
<b>Defendant.</b>	:	

**COMPLAINT-ACTION FOR DAMAGES FOR  
PROPERTY RIGHTS INFRINGEMENT**

Plaintiff, Strike 3 Holdings, LLC (“Strike 3” or “Plaintiff”), brings this complaint against Defendant, John Doe subscriber assigned IP address 73.168.89.202 (“Defendant”), and alleges as follows:

**Introduction**

1. This is a case about the ongoing and wholesale copyright infringement of Plaintiff’s motion pictures by Defendant, currently known only by an IP address.
2. Plaintiff is the owner of award-winning, critically acclaimed adult motion pictures.
3. Strike 3’s motion pictures are distributed through the *Blacked*, *Tushy*, *Vixen*, and *Blacked Raw* adult websites and DVDs. With millions of unique visitors to its websites each month, the brands are famous for redefining adult content, creating high-end, artistic and performer-inspiring motion pictures produced with a Hollywood style budget and quality.
4. Defendant is, in a word, stealing these works on a grand scale. Using the BitTorrent protocol, Defendant is committing rampant and wholesale copyright infringement by downloading Strike 3’s motion pictures as well as distributing them to others. Defendant did not

infringe just one or two of Strike 3's motion pictures, but has been recorded infringing 30 movies over an extended period of time.

5. Although Defendant attempted to hide this theft by infringing Plaintiff's content anonymously, Defendant's Internet Service Provider ("ISP"), Comcast Cable, can identify Defendant through his or her IP address 73.168.89.202.

6. This is a civil action seeking damages under the United States Copyright Act of 1976, *as amended*, 17 U.S.C. §§ 101 et seq. (the "Copyright Act").

### **Jurisdiction and Venue**

7. This Court has subject matter jurisdiction over this action pursuant to 28 U.S.C. § 1331 (federal question); and 28 U.S.C. § 1338 (jurisdiction over copyright actions).

8. This Court has personal jurisdiction over Defendant because Defendant used an Internet Protocol address ("IP address") traced to a physical address located within this District to commit copyright infringement. Therefore: (i) Defendant committed the tortious conduct alleged in this Complaint in this State; (ii) Defendant resides in this State and/or; (iii) Defendant has engaged in substantial – and not isolated – business activity in this State.

9. Plaintiff used IP address geolocation technology by Maxmind Inc. ("Maxmind"), an industry-leading provider of IP address intelligence and online fraud detection tools, to determine that Defendant's IP address traced to a physical address in this District. Over 5,000 companies, along with United States federal and state law enforcement, use Maxmind's GeoIP data to locate Internet visitors, perform analytics, enforce digital rights, and efficiently route Internet traffic.

10. Pursuant to 28 U.S.C. § 1391(b) and (c), venue is proper in this District because: (i) a substantial part of the events or omissions giving rise to the claims occurred in this District;

and, (ii) the Defendant resides (and therefore can be found) in this District and resides in this State. Additionally, venue is proper in this District pursuant 28 U.S.C. § 1400(a) (venue for copyright cases) because Defendant or Defendant's agent resides or may be found in this District.

### **Parties**

11. Plaintiff, Strike 3 is a Delaware limited liability company located at 2140 S. Dupont Hwy, Camden, DE.

12. Plaintiff currently can only identify Defendant by his or her IP address. Defendant's IP address is 73.168.89.202. Defendant's name and address can be provided by Defendant's Internet Service Provider.

### **Factual Background**

#### ***Plaintiff's Award-Winning Copyrights***

13. Strike 3's subscription-based websites proudly boast a paid subscriber base that is one of the highest of any adult-content sites in the world. Strike 3 also licenses its motion pictures to popular broadcasters and Strike 3's motion pictures are the number one selling adult DVDs in the United States.

14. Strike 3's motion pictures and websites have won numerous awards, such as "best cinematography," "best new studio," and "adult site of the year."

15. Strike 3's motion pictures have had positive global impact, leading more adult studios to invest in better content, higher pay for performers, and to treat each performer with respect and like an artist.

16. Unfortunately, Strike 3, like a large number of other makers of motion picture and television works, has a major problem with Internet piracy. Often appearing among the most

infringed popular entertainment content on torrent websites, Strike 3's motion pictures are among the most pirated content in the world.

***Defendant Used the BitTorrent File Distribution Network to Infringe Plaintiff's Copyrights***

17. BitTorrent is a system designed to quickly distribute large files over the Internet. Instead of downloading a file, such as a movie, from a single source, BitTorrent users are able to connect to the computers of other BitTorrent users in order to simultaneously download and upload pieces of the file from and to other users.

18. BitTorrent's popularity stems from the ability of users to directly interact with each other to distribute a large file without creating a heavy load on any individual source computer and/or network. It enables Plaintiff's motion pictures, which are often filmed in state of the art 4kHD, to be transferred quickly and efficiently.

19. To share a movie within the BitTorrent network, a user first uses BitTorrent software to create a .torrent file from the original digital media file. This process breaks the original digital media file down into numerous pieces.

20. The entire movie file being shared has a hash value (*i.e.*, the "File Hash"). A hash value is an alpha-numeric value of a fixed length that uniquely identifies data.

21. Hash values are not arbitrarily assigned to data merely for identification purposes, but rather are the product of a cryptographic algorithm applied to the data itself. As such, while two identical sets of data will produce the same cryptographic hash value, any change to the underlying data – no matter how small – will change the cryptographic hash value that correlates to it.

22. To find and re-assemble the pieces of the digital media file, *i.e.*, to download the file using BitTorrent, a user must obtain the .torrent file for the specific file that has been broken

down into pieces.

23. Each .torrent file contains important metadata with respect to the pieces of the file. When this data is put into the cryptographic algorithm, it results in a hash value called the “Info Hash.”

24. The “Info Hash” is the data that the BitTorrent protocol uses to identify and locate the other pieces of the desired file (in this case, the desired file is the respective file for the infringing motion pictures that are the subject of this action) across the BitTorrent network.

25. Using the Info Hash in the metadata of a .torrent file, a user may collect all the pieces of the digital media file that correlates with the specific .torrent file.

26. Once a user downloads all of the pieces of that digital media file from other BitTorrent users, the digital media file is automatically reassembled into its original form, ready for playing.

27. Plaintiff has developed, owns, and operates an infringement detection system, named “VXN Scan.”

28. Using VXN Scan, Plaintiff discovered that Defendant used the BitTorrent file network to illegally download and distribute Plaintiff’s copyrighted motion pictures.

29. To explain, while Defendant was using the BitTorrent file distribution network, VXN Scan established direct TCP/IP connections with Defendant’s IP address.

30. VXN Scan downloaded from Defendant one or more pieces of numerous digital media files.

31. Plaintiff identified these pieces as portions of infringing copies of Strike 3’s motion pictures.

32. To explain, the VXN Scan system first searched for and obtained .torrent files

claiming to be infringing copies of Plaintiff's works, and then downloaded complete copies of the digital media files that correlate to those .torrent files.

33. Plaintiff then compared the completed digital media files to Plaintiff's copyrighted works to determine whether they are infringing copies of one of Plaintiff's copyrighted works.

34. The digital media files have been verified to contain a digital copy of a motion picture that is identical (or, alternatively, strikingly similar or substantially similar) to Plaintiff's corresponding original copyrighted Works.

35. VXN Scan then used the "Info Hash" value, contained within the metadata of the .torrent file correlated with a digital media file that was determined to be identical (or substantially similar) to a copyrighted work, to download a piece (or pieces) of the same digital media file from Defendant using the BitTorrent network.

36. At no point did VXN Scan upload content to any BitTorrent user. Indeed, it is incapable of doing so.

37. The VXN Scan captured transactions from Defendant sharing specific pieces of 30 digital media files that have been determined to be identical (or substantially similar) to a copyrighted work(s) that Plaintiff owns.

38. VXN Scan recorded each transaction in a PCAP file.

39. VXN Scan recorded multiple transactions in this matter.

40. For each work infringed a single transaction is listed on Exhibit A.

41. For each transaction listed, Exhibit A sets forth the Universal Time Coordinated (UTC) time and date of each transaction, along with (1) the Info Hash value obtained from the metadata of the corresponding .torrent file that formed the basis of the VXN Scan's request for

data, and (2) the File Hash value of the digital media file itself.

42. Exhibit A also sets forth relevant copyright information for each work at issue: the date of publication, the date of registration, and the work's copyright registration number. In a showing of good faith, Plaintiff has intentionally omitted the title of the work from this public filing due to the adult nature of its content, but can provide a version of Exhibit A containing the works' titles to the Court or any party upon request.

43. Thus, Defendant downloaded, copied, and distributed Plaintiff's Works without authorization.

44. Defendant's infringement was continuous and ongoing.

45. Plaintiff owns the copyrights to the Works and the Works have been registered with the United States Copyright Office.

46. Plaintiff seeks statutory damages, attorneys' fees, and costs under 17 U.S.C. § 501 of the United States Copyright Act.

## COUNT I

### **Direct Copyright Infringement**

47. The allegations contained in paragraphs 1-46 are hereby re-alleged as if fully set forth herein.

48. Plaintiff is the owner of the Works, which is an original work of authorship.

49. Defendant copied and distributed the constituent elements of Plaintiff's Works using the BitTorrent protocol.

50. At no point in time did Plaintiff authorize, permit or consent to Defendant's distribution of its Works, expressly or otherwise.

51. As a result of the foregoing, Defendant violated Plaintiff's exclusive right to:

- (A) Reproduce its Works in copies, in violation of 17 U.S.C. §§ 106(1) and 501;
- (B) Distribute copies of the Works to the public by sale or other transfer of ownership, or by rental, lease or lending, in violation of 17 U.S.C. §§ 106(3) and 501;
- (C) Perform the copyrighted Works, in violation of 17 U.S.C. §§ 106(4) and 501, by showing the Works' images in any sequence and/or by making the sounds accompanying the Works' audible and transmitting said performance of the work, by means of a device or process, to members of the public capable of receiving the display (as set forth in 17 U.S.C. § 101's definitions of "perform" and "publicly" perform); and
- (D) Display the copyrighted Works, in violation of 17 U.S.C. §§ 106(5) and 501, by showing individual images of the works non-sequentially and transmitting said display of the works by means of a device or process to members of the public capable of receiving the display (as set forth in 17 U.S.C. § 101's definition of "publicly" display).

52. Defendant's infringements were committed "willfully" within the meaning of 17 U.S.C. § 504(c)(2).

WHEREFORE, Plaintiff respectfully requests that the Court:

- (A) Permanently enjoin Defendant from continuing to infringe Plaintiff's copyrighted Works;
- (B) Order that Defendant delete and permanently remove the digital media files relating to Plaintiff's Works from each of the computers under Defendant's possession, custody or control;
- (C) Order that Defendant delete and permanently remove the infringing copies of the Works Defendant has on computers under Defendant's possession, custody or control;
- (D) Award Plaintiff statutory damages per infringed work pursuant to 17 U.S.C. §



504(a) and (c);

(E) Award Plaintiff its reasonable attorneys' fees and costs pursuant to 17 U.S.C. §

505; and

(F) Grant Plaintiff any other and further relief this Court deems just and proper.

**DEMAND FOR A JURY TRIAL**

Plaintiff hereby demands a trial by jury on all issues so triable.

Dated: July 29, 2021

Respectfully submitted,

CLARK HILL PLC

By: /s/ Samuel J. Tallman

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# EXHIBIT A

## Exhibit A to the Complaint

Location: Downers Grove, IL

IP Address: 73.168.89.202

Total Works Infringed: 30

ISP: Comcast Cable

Work	Hashes	UTC	Site	Published	Registered	Registration
1	Info Hash: D018948BE20BC17028F1D2DA5E96AD62B46B2A5E File Hash: 987BA82FA5B83E9E459F13C9D123C82359630FA6678ABB431856A8BF52033B3D	07-11-2021 16:28:20	Vixen	04-02-2021	06-09-2021	PA0002295593
2	Info Hash: E4CB6256C753527AFD99F2CDE9C142EFC3DFC762 File Hash: B0B86DCE9782548DE9C033D2FA8D30F4BAEF4A6CEB45F24547E3C0191081AE1C	03-15-2021 19:16:57	Vixen	01-15-2021	02-02-2021	PA0002280500
3	Info Hash: 84D00D2726680643D60942151C2D530ABE7720AD File Hash: 9506CE614E169AFBCA26B6AFDE1E3395C493CDF7D5E469136138FD1925DD21B0	03-15-2021 18:52:02	Vixen	12-18-2020	01-04-2021	PA0002277038
4	Info Hash: E001ED65F173C05077017DD8C58EC388FCE0E779 File Hash: C739BE32FC76EF6B07EE0E8759B98D463AFDAF5C7C92993F8360DE1A0D75C875	03-15-2021 18:46:23	Vixen	12-11-2020	01-04-2021	PA0002277039
5	Info Hash: 387B8E7041F9C2B11EC349FDC94FCD2E0F1C56F7 File Hash: 4125FAC153F8B30338BBB6B82DFE560B9A9A82FFBF9CA9E739A2CF07ED042B86	03-15-2021 18:46:12	Vixen	01-22-2021	02-26-2021	PA0002283698
6	Info Hash: 5432FDFDFD6DAE01D6CD397828B02AE9F0EB7544 File Hash: 4646B4DB38A7234CB4CFBE85E01C896E2ADAF1F88C24E017D854F422F835D322	12-12-2020 18:09:54	Vixen	12-04-2020	01-04-2021	PA0002277036
7	Info Hash: 5555D41E1F8D8EDD7B6D66ABC90A9DE0D20D2F68 File Hash: 1ECBD28FE7B2EC1078ECCDFADF78AC73592D9AD113754DED150A586FA922E678	10-13-2020 16:10:34	Vixen	10-09-2020	11-18-2020	PA0002272626
8	Info Hash: 2710D41458459FBC23A2AAE41110EE55BE1D611D File Hash: 8CFFF825B7B0B0F4DF5BAA70ABB6F6586101BBCAD24CBFC7E47A805412E347A2	07-28-2020 22:06:00	Vixen	07-24-2020	08-03-2020	PA0002259166

Work	Hashes	UTC	Site	Published	Registered	Registration
9	Info Hash: 76C2AAA60F18B69BB1BA37FFA5B4F7F5219C73C2 File Hash: 00D9242AD8D7B16286E26A44620C82C73A578658AC67FB475D0A066276F3EE76	07-20-2020 14:50:24	Vixen	07-10-2020	07-20-2020	PA0002248961
10	Info Hash: 5A8E793166C36184C44F9E233114D947567BCEEF File Hash: AD73CFD36F402F9949BCA5CA3A0CD005CF3CEA1CDCC47C5BF1EADACBD8CB8992	07-01-2020 15:40:09	Vixen	06-26-2020	08-03-2020	PA0002259094
11	Info Hash: D81E50A917BB88DC4F37DD60FC2F0AE300F87820 File Hash: AE4D36559FD800767E73AAC69190205B5647D81C1D6840E7E869558077174234	05-10-2020 18:22:16	Vixen	05-08-2020	06-08-2020	PA0002243645
12	Info Hash: 6AD12C6D5344DC5484F1FEC3EAE8CD29FCF61E52 File Hash: 6E9DD9A4A220B86671ABC37480BD3A5D6A151268579AA4647D68FB708679E80F	03-24-2020 15:15:24	Vixen	03-20-2020	04-17-2020	PA0002246116
13	Info Hash: A29C63DB649275986D310B59B24572DE42176E14 File Hash: 44058073D406E57F304993AAC423131E77E6B0744AE58ED9491ABCDE008A1C92	03-02-2020 20:21:42	Vixen	02-28-2020	04-17-2020	PA0002251744
14	Info Hash: 2E6A4D2F40F30D3DA17FC120E2C51B5525226E5B File Hash: 552190B84C0BAB79272C00BB632245BF63F9CA52F4E30287070BDBD8E4B93782	01-26-2020 17:05:57	Vixen	01-24-2020	03-15-2020	PA0002240434
15	Info Hash: 111AF0F480E619AE224D6920F94278D4E7C5047F File Hash: E75F306D7D0307EB89BB4D411FD7F1880C9547DCB10A0EBF25A7D39CAD0A8CA5	12-31-2019 00:09:20	Vixen	12-30-2019	01-27-2020	PA0002223956
16	Info Hash: BB9E2B12BCD4710C90CE450A20CECD5BDEEEA063 File Hash: F38B022F93A4EEE5793EF7D39F739E7E62217236800ABBB290F6EEA5EB4D9AEE	12-18-2019 20:03:03	Vixen	10-21-2019	11-05-2019	PA0002227093
17	Info Hash: 9FD9A47AB898802E80AEBCB2E630742FC88211BF File Hash: 87D6499EBACF2A6F3D901D12203EB7D82D2DBFFD8A11A601AD7BAF7908211EC9	12-14-2019 04:19:48	Vixen	11-15-2019	12-03-2019	PA0002232048

Work	Hashes	UTC	Site	Published	Registered	Registration
18	Info Hash: 7A32700751133765173A52DCA07F3E727E72DBA1 File Hash: D01578070A186388877C9B3AC910493B3D9D1396190CD75DE403A7FDDBBB70BB	10-08-2019 02:58:41	Vixen	10-06-2019	10-21-2019	PA0002207778
19	Info Hash: 09B80D279E6C6F4707C3154F4FF8962C8E1EB221 File Hash: AC0D2D16E1F7426A65A8F2995D77C4F00A8D0A41C6527AD3670ECD26669E8C17	07-27-2019 18:56:59	Vixen	12-10-2018	01-22-2019	PA0002149491
20	Info Hash: C949ECE17165A9D31EF4B51227E828858FE2CF9C File Hash: FC723BE710475B097A0F0A854BB457A04AF805312C3B0BF76C91BAF0AAAD064A	07-27-2019 10:50:57	Vixen	02-03-2019	03-24-2019	PA0002183213
21	Info Hash: 5C7C2EE9ADC08C57670B805E672D719EF4E50256 File Hash: 38B0A4B921AA06C2FEFE0FC8797633587D2BBE4F2601F11BD45C10B69F138E9B	07-27-2019 07:45:22	Vixen	01-24-2019	03-24-2019	PA0002183209
22	Info Hash: 01B71672D0B38D62A49CA8825948B2AD599C3F34 File Hash: D3ED799246670DD54C2CC02BE31F7F4FA6AABBDA769C79C46B2566914E88B25C	07-27-2019 04:44:31	Vixen	01-14-2019	02-02-2019	PA0002155387
23	Info Hash: BAFF3FC8D482C23E840039A4B82BB87EEB2A372E File Hash: AAA0595FB6F8C7E7E453786D0F34B839DAC695B4B20405AAB038D67436ECC0BC	07-27-2019 04:42:39	Vixen	06-13-2019	08-02-2019	PA0002192295
24	Info Hash: 2375C31953657533B88DB6C0190D442D1F931CD7 File Hash: 75EF7ABEC2616836C7CC252E140E583C129DBED043825944B1969F15C5562A96	07-24-2019 22:23:50	Vixen	04-29-2019	06-03-2019	PA0002178770
25	Info Hash: DB934D500CFF01F9DF582DB7E40B077E0FDC9D5D File Hash: 70C0FA50C1450992326298AB7F918A8A86FCC0C7686B6783048FD12520745CFA	07-24-2019 21:58:15	Vixen	05-09-2019	06-03-2019	PA0002178768
26	Info Hash: 3CB162B7EC5BBE1596707AC105DF8BB347A791E5 File Hash: 89AEA2AA2DBD4CB588E56B230C28C1C56C2515D98A730620082EE28C61F36C57	07-24-2019 21:49:59	Vixen	07-18-2019	09-10-2019	PA0002199410

Work	Hashes	UTC	Site	Published	Registered	Registration
27	Info Hash: F97BD824E6BABC07A664157727B05FC427B4FDCA File Hash: 5410BFBFF2BBF9D7A7527B02768F34FFF7AD7D98FC06D2124321E38322319CFA	07-24- 2019 21:48:04	Vixen	05-14-2019	07-05-2019	PA0002206408
28	Info Hash: 3CDC5A49FE977CB580C8934CF9BB8340B3B11B13 File Hash: 8E5249E08214698B8A0FA27A5365F29E68E4AD22EF439A65C92B7A2F59E6B611	07-24- 2019 21:18:55	Vixen	06-23-2019	08-27-2019	PA0002213299
29	Info Hash: B946B3E9C3D2F41EF7461D37ACF7907FA74DA57B File Hash: 9A35E0D1E58E42D4D7136B51D2F6FBD5964756D8542466C9F90A1157C427E7E8	04-15- 2019 00:45:29	Vixen	04-14-2019	05-28-2019	PA0002200761
30	Info Hash: 9ADA8E7FF7310FD80C6DC5F9B23D3441603D226D File Hash: 9F97826C17C37B8DF6818693ED4F140ED51A3D1099AFB95AAE54DEE169C34515	04-12- 2019 00:56:40	Vixen	02-13-2019	03-11-2019	PA0002158413